

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|  |   |                 |
|--|---|-----------------|
| OWEN ELECTRIC COOPERATIVE, INC.        | ) | CASE NO. 93-145 |
|  | ) |                 |
| AND                                    | ) | AND             |
|  | ) |                 |
| JACKSON COUNTY RURAL ELECTRIC          | ) | CASE NO. 93-043 |
| COOPERATIVE CORPORATION, INC.          | ) |                 |
|  | ) |                 |
| <hr style="width:30%; margin-left:0"/> |   |                 |
| ALLEGED FAILURE TO COMPLY WITH         | ) |                 |
| COMMISSION REGULATIONS 807 KAR 5:006   | ) |                 |
| AND 807 KAR 5:041                      | ) |                 |

O R D E R

On July 7, 1993, the Commission held an informal conference in Case No. 93-145 with representatives of Owen Electric Cooperative, Inc. ("Owen Electric") and several other interested individuals from the electric utility industry. The purpose of the informal conference was to discuss Owen Electric's position that the Commission should not penalize it pursuant to KRS 278.990 for violating 807 KAR 5:006 and 807 KAR 5:041 when its independent contractor failed to comply with the safety requirements contained therein.

Owen Electric indicated it will file a motion to dismiss this case and also requested a formal hearing be scheduled in the event the dismissal is not granted.

Jackson County Rural Electric Cooperative Corporation, Inc. ("Jackson County RECC") was directed by Order dated June 4, 1993 in Case No. 93-043 to file a brief with the Commission no later than

July 16, 1993. The only issue of controversy in Case No. 93-043 is legal rather than factual and is identical to the legal issue presented in Case No. 93-145 regarding the ability of the Commission to fine a utility under its jurisdiction for violating 807 KAR 5:006 and 807 KAR 5:041 when its independent contractor does not comply with those safety regulations. Both utilities have requested they be permitted to work together in responding to the Commission's allegations and investigations in these proceedings.

The Commission, being sufficiently advised, finds good cause exists to allow Owen Electric and Jackson County RECC to unite in filing briefs and other memoranda and in presenting proof at hearing.

IT IS THEREFORE ORDERED that:

1. A hearing is scheduled for September 15 and 16, 1993, at 9:00 a.m. on both dates, Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for Owen Electric and Jackson County RECC to show cause why each should not be penalized pursuant to KRS 278.990 for violating 807 KAR 5:006 and 807 KAR 5:041. If the Commission dismisses this action prior to hearing, the hearing will be cancelled without further Order.

2. Jackson County RECC is not now required to submit a legal brief by July 16, 1993 as it was directed to do by previous Order.

Done at Frankfort, Kentucky, this 14th day of July, 1993.

ATTEST:

  
Executive Director

PUBLIC SERVICE COMMISSION

  
For the Commission